

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

**ZYWAVE, INC.,**

**Plaintiff,**

**v.**

**JUSTIN CATES, *et al.*,**

**Defendants.**

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**Case No. 4:18-CV-751-ALM-KPJ**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On September 5, 2019, the Magistrate Judge entered proposed findings of fact and recommendations (Dkt. #65) that Defendant's Motion to Dismiss and Answer Subject Thereto (Dkt. #8) and Defendant Justin Cates' Motion to Dismiss and, Subject Thereto, Answer to Plaintiff's Amended Complaint (Dkt. #38) be denied.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

Accordingly, Defendant's Motion to Dismiss and Answer Subject Thereto (Dkt. #8) is hereby **DENIED**.

Additionally, Defendant Justin Cates' Motion to Dismiss and, Subject Thereto, Answer to Plaintiff's Amended Complaint (Dkt. #38) is hereby **DENIED**.

**IT IS SO ORDERED.**

SIGNED this 26th day of September, 2019.

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE